

The radical left is attempting to destroy our economy and the American way of life, but every crisis created by the Biden administration is only a reminder of how great it was to have an American President who put America first.

Today marks 9 months of the Biden administration, and my constituents miss President Trump now more than ever.

TURBOCHARGE THE CLEAN ENERGY ECONOMY

(Mr. AUCHINCLOSS asked and was given permission to address the House for 1 minute.)

Mr. AUCHINCLOSS. Mr. Speaker, I rise today in support of the Build Back Better agenda. We have a once-in-a-generation opportunity to address climate change, and we must pass the clean electricity performance program, which uses a novel carrot-and-stick approach to reduce emissions by State utilities.

I further support instituting a carbon tax, which would make corporations pay for their harmful pollution and ensure our planet remains habitable for our children.

Furthermore, as we invest in clean energy infrastructure to replace harmful fossil fuels, we must end the Trump tariffs on \$360 billion worth of Chinese goods. These tariffs artificially increase the cost of materials in solar panels, wind turbines, and other products we need to power our economy with clean energy.

Together, we can enact President Biden's agenda to turbocharge the clean energy economy and create good jobs.

ONGOING CRISIS AT OUR SOUTHERN BORDER

(Mrs. BICE of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BICE of Oklahoma. Mr. Speaker, I rise today to address the ongoing crisis at the southern border. The Biden administration has actively opened the border, and it is directly harming our country by dwindling resources, endangering communities, and emboldening terror threats.

I recently visited the Del Rio, Texas, sector to hear straight from our Customs and Border Patrol agents, Texas National Guard, and Texas State troopers. In just one station within the sector, apprehensions have multiplied at an alarming rate, going from 7,400 last year to more than 94,000 in 2021, and agents have detained people from more than 90 countries.

While the humanitarian aspect of this crisis is disturbing, I am more concerned with the growing national security threats to our country. Nearly 10,000 individuals with criminal convictions have been arrested in fiscal year 2021 attempting to illegally cross into

the U.S., compared to just 2,400 last year.

Mr. Speaker, securing and regulating our border is crucial in keeping our country secure, functioning, and, most importantly, safe from external threats. I urge my colleagues to work toward creating meaningful legislation to provide Customs and Border Patrol agents with much-needed resources to firmly protect our border.

CONGRATULATING TRIG AND TULA SOLBERG

(Mr. TIFFANY asked and was given permission to address the House for 1 minute.)

Mr. TIFFANY. Mr. Speaker, I rise today to congratulate Trig Solberg and his wife, Tula, on the 50th anniversary of their business, T.A. Solberg Company, which operates several supermarkets and fuel and convenience stores throughout northern and central Wisconsin.

Trig and Tula started their first business together in 1971, with a single small store in Land O'Lakes, Wisconsin. Today, they operate several stores in the communities of Rhinelander, Minocqua, Eagle River, and Tomahawk, employing more than 1,200 people. The Northwoods of Wisconsin is dear to the Solbergs, so they make sure each of their stores keeps the personality of the region intact.

I can attest that Trig is admired by staff, colleagues, and industry peers for his dedication to his community and commitment to excellence.

Congratulations again to Trig and Tula Solberg for 50 years in business and their service to Wisconsin.

□ 1215

RECOGNIZING THE GREENVILLE, SOUTH CAROLINA FOOTHILLS CHAPTER OF THE KOREAN WAR VETERANS ASSOCIATION

(Mr. TIMMONS asked and was given permission to address the House for 1 minute.)

Mr. TIMMONS. Mr. Speaker, I stand before you today to recognize the Greenville, South Carolina Foothills Chapter of the Korean War Veterans Association for their exemplary work to ensure that all of South Carolina's fallen Korean war veterans are never forgotten.

In 2016, Congress enacted legislation that authorized the Wall of Remembrance as an addition to the Korean War Memorial, but they didn't fund the project. In response, the Foothills Chapter made it their mission to raise nearly \$20,000 to cover the inscription costs of the 55 soldiers from Greenville County who died in combat during America's "forgotten war."

After 4 tireless years, the Foothills Chapter recently announced they raised \$207,000, which is enough to provide inscriptions, not only for the 55 soldiers from Greenville County, but

for all 483 servicemembers from South Carolina who were killed while serving their country in Korea, as well as 93 servicemembers who were captured and held as prisoners of war.

Once again, I recognize the Greenville Foothills Chapter of the Korean War Veterans Association and, in particular, my friend, former State senator Lewis Vaughn for carrying on the legacy of South Carolinians who made the ultimate sacrifice in Korea.

REPORT ON THE SOUTHERN BORDER

(Mr. GROTHMAN asked and was given permission to address the House for 1 minute.)

Mr. GROTHMAN. Mr. Speaker, we had another week go by, and I didn't see the Vice President in charge of the Mexican border policy for this administration down there, so I felt I should go down and look around in the Yuma sector and report back to her or anybody in the majority party who wants to hear.

These are the things that I don't think we have seen in the papers. I could talk for hours.

One thing, a large number of the people crossing the border in the Yuma sector are throwing away their IDs on the ground. And if you want, you can just stand there along the paths and see all the IDs that are just lying there.

You have to ask yourself, why, if I am an immigrant, am I throwing away my ID before I check in with Border Patrol? I must be hiding something. It means that they can't do a background check if I was in the United States in the past, or, for that matter, there is going to be no record of when such and such a person left Colombia and comes into the United States. We should require an ID to come here. We should no longer let people throw them out.

Secondly, I, in the past, am under the impression that people can test positive for COVID, check into a hotel and just leave and come into the country. I now know they do not require tests.

These are two more things I learned at the border. I invite the Vice President to go down there.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LIEU). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which the yeas and nays are ordered.

The House will resume proceedings on postponed questions at a later time.

GUIDANCE CLARITY ACT OF 2021

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1508) to require a guidance clarity statement

on certain agency guidance, and for other purposes, as amended.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 1508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Guidance Clarity Act of 2021”.

SEC. 2. GUIDANCE CLARITY STATEMENT REQUIRED.

(a) REQUIREMENT.—Each agency, as defined in section 551 of title 5, United States Code, shall include a guidance clarity statement as described in subsection (b) on any guidance issued by that agency under section 553(b)(3)(A) of title 5, United States Code, on and after the date that is 30 days after the date on which the Director of the Office of Management and Budget issues the guidance required under subsection (c).

(b) GUIDANCE CLARITY STATEMENT.—A guidance clarity statement required under subsection (b) shall—

(1) be displayed prominently on the first page of the document; and

(2) include the following: “The contents of this document do not have the force and effect of law and do not, of themselves, bind the public or the agency. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.”

(c) OMB GUIDANCE.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue guidance to implement this Act.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and the gentleman from Kansas (Mr. LATURNER) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1508 would require Federal agencies to include a guidance clarity statement on the first page of guidance documents.

I thank Representative LUETKEMEYER and Ranking Member COMER for working with us to perfect this bill.

Federal rules, regulations, and guidance are complex, even at the best of times.

For most Americans who do not spend hours per day reading through the Federal Register, guidance documents can be very confusing.

This simple, good government bill will help clarify for the public that agency guidance is intended to help guide the implementation of Federal regulations, not to act as additional legally binding rules.

This is a bipartisan bill in both the House and the Senate, which passed a Senate companion out of committee by voice vote.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. LATURNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, agency guidance serves an important function in the Federal regulatory system.

Agency guidance helps regulated parties and the public understand how agencies will interpret the laws and administer their programs.

However, agency guidance can be—and has been—abused.

For example, agencies can use guidance documents to intimidate small businesses and individuals into compliance with agency views, sometimes under the threat of enforcement action.

Small businesses and ordinary individuals often do not have the legal resources or necessary background to understand when an agency statement is binding law.

It can be difficult for them to determine what agency statements must be complied with versus what is merely a nonbinding description of an agency's views on which they can push back.

Agencies have been known to try to start enforcement actions based on mere guidance.

Agencies also have been known to attempt to issue binding rules by quietly slipping what they intend to be rules in guidance documents.

This clearly bypasses the Administrative Procedure Act's requirements that were put in place to protect regulated individuals and small businesses.

The courts coined the term “nonrule rule” to describe this Big Government sleight of hand.

And the courts have rightly struck down such rules that only appeared in agency guidance.

The Guidance Clarity Act offers a simple solution to these problems.

It requires agency guidance documents to include the following explicit statement: “The contents of this document do not have the force and effect of law and do not, of themselves, bind the public or the agency.”

“This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.”

With that stroke of the pen, gone will be the days in which agencies can use guidance documents to force small businesses and individuals to comply with nonbinding agency views.

Gone, too, will be the days of agencies trying to issue nonrule rules that bypass the Administrative Procedure Act's requirement for legislative rules.

I thank the sponsor of the bill, the ranking member of the Small Business Committee, BLAINE LUETKEMEYER, who has worked tirelessly on this bill since it was first introduced.

I thank Chairwoman MALONEY for her speedy efforts to help make passage of this bill a bipartisan success.

And I also thank Senator JAMES LANKFORD and Senate Homeland Security and Governmental Affairs Chairman GARY PETERS for their critical efforts to achieve a bipartisan compromise on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I reserve the balance of my time.

Mr. LATURNER. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. LUETKEMEYER).

Mr. LUETKEMEYER. Mr. Speaker, I rise in support of my bill, the Guidance Clarity Act.

The Federal Government produces hundreds of rules, regulations, and laws every year. Without the help of legal teams and consultants, individuals and small businesses cannot possibly keep up with everything that is coming out of Washington.

The purpose of guidance is to assist those Americans in understanding rules and regulations and give them suggestions on how to adhere to them.

Guidance is not approved by Congress, nor does it go through the Federal rulemaking process which allows for public input and legal scrutiny of agency actions. Guidance is not backed up by law, nor is it enforceable by law enforcement. It is, quite simply, a suggestion.

Unfortunately, in past years, many regulators have threatened punitive action against businesses for not following guidance. That is unacceptable, and quite frankly, it is illegal.

To be clear, I am not talking about businesses breaking the law or ignoring Federal regulations. Guidance documents are meant to clarify or to inform the public about policy topics and are not legally binding. Small businesses deserve clarity on what documents are legally binding and should not be punished for deviating from guidance documents.

Regulators have no legal authority to enforce guidance, and any attempt to do so is an egregious abuse of power.

On top of that, with thousands of guidance documents being produced, instead of achieving their intended goal—which is to provide clarity—they are causing even more confusion.

With some regulators enforcing guidance while others do not, small businesses and entrepreneurs are driven deeper into the regulatory maze of the Federal Government.

My bill is a very simple fix to that confusion. The Guidance Clarity Act

ensures the first page of guidance documents includes the plain language statement declaring that guidance is not law, nor can it legally be enforced as law.

This small but critical statement clarifies for citizens and regulators on the ground that guidance is meant to be helpful; a suggestion that can be put in place or completely ignored. It will help regulators do their jobs more efficiently and small businesses, who lack the resources to employ teams of lawyers, continue to create jobs and grow the economy.

I hope my colleagues on both sides of the aisle will agree that American small businesses have enough to worry about. They are working hard to keep their employees paid and their customers happy. They don't have time to worry about keeping track of and abiding by agency suggestions that were never meant to be anything more than just that.

I thank Chairwoman MALONEY, Ranking Member COMER, and the gentleman from Kansas (Mr. LATURNER) for their leadership in supporting the bill and bringing it to the floor.

Mr. Speaker, I encourage my colleagues to vote in favor of the Guidance Clarity Act.

Mr. LATURNER. Mr. Speaker, thanks to the Guidance Clarity Act, small business owners and individuals across the country will soon have confidence that agency guidance, however helpful and clarifying it may be, is not legally binding.

Mr. Speaker, I urge my colleagues to support this necessary bipartisan legislation, and I yield back the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I urge passage of H.R. 1508.

I thank BLAINE LUETKEMEYER for his leadership on this bill and the cooperation of Ranking Member COMER and all the teams on both sides working in support of it.

Mr. Speaker, I urge passage of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) that the House suspend the rules and pass the bill, H.R. 1508, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1230

TUSKEGEE AIRMAN LIEUTENANT COLONEL ROBERT J. FRIEND MEMORIAL POST OFFICE BUILDING

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1170) to designate the facility of the United

States Postal Service located at 1 League in Irvine, California, as the "Tuskegee Airman Lieutenant Colonel Robert J. Friend Memorial Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TUSKEGEE AIRMAN LIEUTENANT COLONEL ROBERT J. FRIEND MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1 League in Irvine, California, shall be known and designated as the "Tuskegee Airman Lieutenant Colonel Robert J. Friend Memorial Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Tuskegee Airman Lieutenant Colonel Robert J. Friend Memorial Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and the gentleman from Kansas (Mr. LATURNER) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join my colleagues in support of H.R. 1170 to designate the facility of the United States Postal Service at 1 League in Irvine, California, as the "Tuskegee Airman Lieutenant Colonel Robert J. Friend Memorial Post Office Building".

Before passing away in June of 2019, Lieutenant Colonel Friend was one of the last surviving Tuskegee Airmen who took to the skies during World War II as the first African American military aviators.

The roughly 1,000 Tuskegee Airmen flew 15,000 combat sorties, destroyed 260 enemy aircrafts, and received 150 decorations of the Flying Cross and Legion of Merit, fighting the Nazi Luftwaffe while simultaneously striking a blow against racism back home.

Lieutenant Colonel Friend flew fighter aircrafts for nearly 2 years during the war. During Lieutenant Colonel Friend's 142 combat missions, he destroyed critical Nazi and Axis power military assets, helping move the U.S. and ally forces towards victory during the war.

In addition, Lieutenant Colonel Friend served in strategic roles as an

operations officer for the 301st Squadron and was the final operations officer of the 332nd Fighter Group. Lieutenant Colonel Friend also served honorably in Korea and Vietnam.

Lieutenant Colonel Friend was the recipient of multiple military awards for service, including the: Distinguished Flying Cross, Presidential Unit Citation, Bronze Star with Flying Cross, three Distinguished Service Medals, and an Air Medal. In addition, Lieutenant Colonel Friend and his fellow Tuskegee Airmen were awarded the Congressional Gold Medal in 2007.

Following the war, Lieutenant Colonel Friend studied astrophysics at the Air Force Institute of Technology and business at the University of California in Los Angeles. After retiring from the Air Force in 1971, he worked as a consultant on the development of missile systems and space-station components near his home in Irvine, California.

Naming a post office for Tuskegee Airman Lieutenant Colonel Friend is entirely appropriate given his distinguished, extraordinary contributions to his State and country.

Mr. Speaker, I urge all of my colleagues to support this bill, and I reserve the balance of my time.

Mr. LATURNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1170, which would name a post office after Lieutenant Colonel Robert J. Friend, one of the last surviving Tuskegee Airmen.

Lieutenant Colonel Friend was a fighter pilot for 2 years during World War II, and destroyed critical Nazi military assets, bolstering the United States. He also served in Korea and Vietnam.

After retiring from the military, he studied astrophysics and business at the University of California, Los Angeles.

Mr. Speaker, I support this bill, and I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from California (Ms. PORTER), the distinguished chair of the Subcommittee on Oversight and Investigations of the Committee on Natural Resources.

Ms. PORTER. Mr. Speaker, I thank the chairwoman for recognizing me.

Mr. Speaker, I rise today in support of H.R. 1170, which will designate the post office located at 1 League in Irvine, California, as the Tuskegee Airman Lieutenant Colonel Robert J. Friend Memorial Post Office Building.

I introduced this bill to honor the legacy of a true Orange County hero, Lieutenant Colonel Robert J. Friend.

Before passing away in June of 2019, Lieutenant Colonel Friend was one of the last surviving Tuskegee Airmen who took to the skies during World War II as the first African American military aviators. The roughly 1,000 Tuskegee Airmen flew 15,000 combat sorties, destroyed 260 enemy aircraft,